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REMARKS

The July 5, 2005 Office Action has been received and its contents carefully considered. Claims 1-63 and 66-78 are pending in the present application. By this amendment, claim 47 is amended, claims 77 and 78 are added, and claims 64 and 65 are canceled without prejudice or disclaimer to the subject matter set forth therein.

Claim 47 is amended to correct a minor informality. Claims 77 and 78 are added to further distinguish the claimed invention from the applied art. No new matter has been added by this Amendment. Support for added claims 77 and 78 may be found in the specification on page 7, lines 3-25 and in Fig. 3, for example.

For the reasons set forth below, the claims are believed to be in condition for allowance.

A.   THE CLAIMS DEFINE PATENTABLE SUBJECT MATTER

I.   The 35 U.S.C. §102 and 35 U.S.C. §103 rejections set forth in the Office Action are addressed in turn below. Applicant respectfully submits that Leveridge and the other applied art fail to teach or suggest the claimed invention.

II.   Claims 1-2, 13-14, 16-17, 23-24, 26-29, 34, and 47-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Leveridge WO 99/00958. This rejection is respectfully traversed.

Claim 1 recites a method for transmitting data comprising retrieving a file from a destination based transmit folder; encrypting the file with an encryption process associated with the destination based transmit folder; and transmitting the file to an outgoing folder for transmission to a destination, which is associated with the destination based transmit folder.

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The Examiner's comments in the Office Action's "Response to Arguments" (pages 3-5) have been carefully reviewed. Applicant respectfully submits that such comments in the Office Action, relied upon in the 35 U.S.C. §102 rejection, reflect a mischaracterization of the teachings of Leveridge. Such mischaracterizations are discussed below.

The teachings of Leveridge were discussed in the March 28, 2004 Office Action Response. Leveridge is directed to data communications. In particular, the Office Action relies on the teachings of Leveridge on page 22.

On page 21, line 19 - page 22, line 21, Leveridge teaches aspects of utilization of a transfer list. Specifically, Leveridge teaches that when a FSC (file/mail sender client) detects a list which is new, or one which has been updated, the FSC downloads that list from the SFTS using the "GetList" command, as illustrated in Figure 12 of Leveridge. In response, the SFTS removes the file transfer type list from the file transfer parameter store 126 and transmits it to the client terminal. Leveridge describes the list received for the CUG in question is stored by the FSC in the client terminal 4 and later used during file transfer.

Leveridge further teaches that each transfer list includes a header indicating the list name and the version number, and a number of transfer types. Leveridge describes that "for each transfer type, the list includes a short name, a longer name, an encryption type indicator, an output directory name, an input directory name, an archive directory name, a file mask, a receipt flag, and a delay flag. Applicant notes that Leveridge then goes on to describe, one by one, each of these items, which are in each transfer type.

Specifically, Leveridge teaches that the short name included in each transfer type is a unique short name for that transfer type, which is sent during client/server file transfers to

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identify the transfer type. The longer name of *each transfer type* is a descriptive name which is displayed to the user to allow the user to identify and select the transfer type. Leveridge further describes the encryption type indicator *in each transfer type* has three possible settings, namely "none", "normal" or "delayed". If the indicator is "none", no encryption is used during upload/download of files. If the indicator is "normal" the files are encrypted/decrypted during upload/download from the SFTS by the security layer of the client terminal and by the SFTS itself. If the indicator is "delayed" the files are encrypted/decrypted during upload/download from the server, as is the case for "normal", and the file is also encrypted a second time prior to transmission with an "embargo" key, as described by Leveridge.

Leveridge further describes, for example, the output directory name is a suggested directory where files *for this particular type* of transfer are to be retrieved from for sending; the input directory name is a suggested directory where files *for this particular type* of transfer are to be stored on receipt; and the archive directory is a suggested directory where files *of this type* of transfer will be moved to in the sending terminal system after a successful upload. Leveridge teaches, the user can choose a different archive directory if desired.

Applicant submits that the assertions in the Office Action (as noted above) are a mischaracterization of such teachings of Leveridge. Specifically, on page 3, the Office Action asserts Leveridge teaches three different encryption processes, i.e. "none," "normal," or "delayed" (page 22, lines 9-17); and that the term encryption process equates to defining the manner of encrypting a file, therefore as broadly interpreted (See MPEP 2111 [R-1]), these are types of encryption processes that can be used when transferring a file. The Office Action further reflects, Leveridge teaches that the destination based transmit folder, i.e. the output

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directory, is where files with a particular type of transfer are to be retrieved from for the transfer (page 22, lines 18-19).

In conclusion, the Office Action asserts that since the particular type deals with the encryption type, this shows an association between the destination based transmit folder and the encryption process; and that therefore, Leveridge teaches encrypting the file with an encryption process, i.e. the type of encryption used, associated with the destination based transmit folder, i.e. the output directory as the claim states.

Applicant submits that such assertions are a mischaracterization of Leveridge, and that Leveridge fails to teach the features of claim 1 regarding the association between the "encrypting the file" and the "destination based transmit folder", i.e., claim 1 recites "encrypting the file with an encryption process associated with the destination based transmit folder".

In short, Leveridge teaches that each transfer list includes ... a number of transfer types, as described at the bottom of page 21 of Leveridge. Leveridge then teaches that for each transfer type, the list includes various parameters, e.g., a short name, an encryption type indicator, and an output directory name. Quite simply, Leveridge then goes on to describe such parameters in turn. Leveridge fails to reflect that one parameter (e.g., an output directory name) is associated with another parameter (e.g., an encryption type indicator) in any particular manner. Rather, Leveridge simply asserts that for each transfer type, the list includes such parameters.

In contrast with the fair teachings of Leveridge, the Office Action is basing the rejection on some implied (incorrectly so) association between the listed output directory name vis-à-vis the listed encryption type indicator. Leveridge does not teach that an output directory name is

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associated with an encryption type indicator; rather Leveridge merely teaches that the described list (page 22, line 1) may include such items.

In further explanation, as noted above, the Office Action asserts that since the particular type deals with the encryption type, this shows an association between the destination based transmit folder and the encryption process. Applicant submits that the mere teaching that each transfer type of Leveridge has "an encryption type indicator" and "an output directory name" fails to fairly teach the claimed feature of "encrypting the file with an encryption process associated with the destination based transmit folder."

Further, Applicant notes Leveridge at page 21, lines 4-13. Therein, Leveridge discusses aspects of a "transfer type." Leveridge describes that each user of the file transfer system is a member of at least one of a number of a Closed User Groups (CUGs), whose members are identified in the file transfer parameter database 126. Each Closed User Group has a list of *transfer types* for its members to use to exchange files amongst each other. A transfer type is created by an administrator of the Closed User Group, by setting up various parameters for the transfer type including its name and a version number which is incremented every time the transfer is updated. Leveridge teaches this information is stored in the file transfer parameter store 126, and is used by the server to provide the client terminal with a list of transfers available to the user, by using the command/response procedure illustrated in Figure 11. Applicant submits that such teaching of Leveridge, which further reflects the nature of the transfer type, also fails to support a finding that Leveridge's transfer type (and the parameters associated therewith) teach or render obvious the features of claim 1, as noted above.

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Accordingly, Applicant respectfully submits that Leveridge fails to teach or suggest the features of claim 1 relating to "encrypting the file with an encryption process associated with the destination based transmit folder". Applicant requests withdrawal of the 35 U.S.C. §102 rejection.

By this Amendment, claims 77 and 78 have been added to further distinguish the claimed invention. Added claim 77 recites determining a particular encryption process by which the file will be encrypted, the determining being based on what destination based transmit folder the file was retrieved from. Accordingly, claim 77 recites a step of "determining." Further, claim 78 recites wherein the determining is performed after the file is retrieved from the destination based transmit folder. Such feature is reflected in Fig. 3 of the present application, for example.

Applicant submits that claim 1 recites patentable subject matter at least for the reasons set forth above, as well as for the reasons set forth in the March 28, 1005 Amendment. Claims 23, 27 and 47 recite patentable subject matter at least for reasons similar to claim 1. Further, the various dependent claims recite patentable subject matter at least based on their dependencies on the respective independent claims, as well as the additional features such dependent claims recite.

Withdrawal of the rejection under 35 U.S.C. §102 is respectfully requested.

III. The Applied Combination of Art Fails to Teach or Suggest the Claimed Invention

IV. In the Office Action, claims 3, 5, 8, 20-22, 25, 40-42, 44-46, 50-52, 54-57, 61-62, 65-67, 70, 72-73, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leveridge WO 99/00958 as applied to claims 1 (for claims 3 and 20-22), 23 (for claim 25), 27

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(for claims 40-42 and 44-46), 47 (for claim 50), 71 (for claims 72-73), and 74 (for claim 75), and further in view of Ote United States Patent No. 6,023,506.

The Office Action asserts, with regard to claim 3, for example, that Leveridge teaches a method of transmitting data, and not explicitly disclosed by Leveridge is the method further comprising verifying that the file has been encrypted. The Office Action reflects, however, Ote teaches the method further comprising verifying that the file has been encrypted; and therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Leveridge to incorporate a step to verify that the file was indeed encrypted.

Applicant submits that even if it would have been obvious to modify Leveridge as proposed in the Office Action, which it is not so admitted, such modification of Leveridge would fail to cure the deficiencies of Leveridge as discussed above.

Regarding one aspect of the invention, the Office Action discusses directories. For example, the Office Action provides a definition of a "directory - the name for a logical container for files. The Office Action asserts directories were devised to organize files. Further, the Office Action asserts that without directories, all the files on your hard drive would be in one big listing, and that when you request a list of files from a computer, you generally only see the files within one directory. The Office Action further asserts directories can contain files and/or other directories, and that nowadays, most operating systems are calling directories "folders, but we know what they really are.

In response, Applicant of course acknowledges that directories are old and notoriously well known. However, the claimed invention does not of course recite generally the use of directories. Applicant submits the art fails to teach the claimed interrelationship between the

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"destination based transmit folder" vis-à-vis the encryption processes (as recited in claim 51, for example), and also fails to teach the claimed interrelationship between the "destination based received folder" vis-à-vis the decryption processes (as recited in claim 61).

With regard to claims 51 and 56, the Office Action asserts that not explicitly disclosed by Leveridge is the method automatically retrieving data from a destination based transmit folder or automatically retrieving an encryption process associated with the destination based transmit folder. Based on Applicant's comments set forth above, Applicant submits that Leveridge does not indeed teach such features.

The Office Action goes on to assert that however, Leveridge teaches a method for each recipient maintaining an updated directory, and that therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Leveridge to use this automatic update feature to allow for an automatic method of data retrieval from a destination based transmit folder. The Office Action further asserts that this modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Leveridge on page 24, lines 17-22.

In response, Applicant notes that such teaching of Leveridge talks that each recipient outbox keeps an updated directory of files to be downloaded to the recipient, for example. However, Leveridge does not teach the claimed association between an encryption process and a destination based transmit folder, as recited in claim 56, for example.

The Office Action further asserts that as for automatically retrieving an encryption process, Ore teaches that. The Office Action asserts therefore, it would have been obvious to a

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person in the art at the time the invention was made to modify the method disclosed in Leveridge to use this automatic encryption process associated with the destination based transmit folder as previously discussed; and that this modification would have been obvious because a person having ordinary skill in the art at the time the invention was made, would have been motivated to do so since it is suggested by Ote in col. 1, line 33 - col. 2, line 6.

Applicant respectfully submits that Ote fails to cure the deficiencies of Leveridge. In the referenced section of Ote, Ote teaches that an object of the Ote invention is to provide a file encryption control apparatus and method, which releases the user from the management of the encryption key and the encrypted files which make it possible to encrypt files by effecting a simple manipulation, i.e., by selecting a plain text file on the screen and by starting the encryption processing by means of a graphic metaphor such as an icon. Applicant notes that such teaching of Ote relates to associating a file with an encryption process. However, the claimed invention as recited in claim 56, does not merely generally associate an encryption process to a file. Rather, claim 56 recites means for automatically retrieving an encryption process associated with the destination based transmit folder. Such feature relates to a clear association between a particular folder and an encryption process, which is not taught or suggested by the applied art.

Further, the Office Action proposes to modify Leveridge with respect to various other aspects of the claimed invention, including verification that a file has been encrypted, moving the file to an error directory, transmitting the file, performing a scan for encryption key software to find the encryption process, transmitting a list of files, and using data compression. However, Applicant submits that even if it were obvious to so modify Leveridge, which it is not admitted

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to be, such modifications of Leveridge would still fail to teach or suggest the claimed invention, as recited in the independent claims.

Applicant has reviewed the various other remarks set forth in the rejection and the various proposed modifications of the applied art. It is respectfully submitted that Leveridge and Ote fail to teach the claimed invention in that Ote fails to cure the deficiencies as discussed above.

Accordingly, Applicant submits that claims 51, 56, 61 and 66 recite patentable subject matter. Further, the various dependent claims recite patentable subject matter at least based on their dependencies on the respective independent claims, as well as the additional features such dependent claims recite.

Withdrawal of the rejection under 35 U.S.C. §103 is respectfully requested.

V.   In the Office Action, claims 4, 53, 58-60, 63-64, and 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leveridge WO 99/00958 and Ote United States Patent No. 6,023,506 as applied to claims 3, 51, and 56 above, and further in view of Brundrett United States Patent No. 6,249,866.

The Office Action proposes to modify the teachings of Leveridge and Ote based on the teachings of Brundrett. For example, the Office Action proposes to rely on the teachings of Brundrett related to transferring the file to a temporary folder and checking if all files in the temporary folder have been encrypted to verify the encryption; checking the temporary files for verifying the encryption; transferring the data to a temporary folder for verification; and error processing.

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Applicant does not admit that such modifications are obvious to the one of ordinary skill in the art. However, while the Office Action proposes to modify the teachings of Leveridge and Ote in view of the teachings of Brundrett, such proposed modification would still fail to teach the features of the independent claims discussed above, i.e., such as the feature of "encrypting the file with an encryption process associated with the destination based transmit folder" as recited in claim 1.

Withdrawal of the rejection under 35 U.S.C. §103 is respectfully requested.

VI. In the Office Action, claims 6, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leveridge WO 99/00958 and Ote United States Patent No. 6,023,506 as applied to claim 3 (for 6 and 9) above and 6 (for claim 7) below and further in view of Lockhart United States Patent No. 5,841,873. This rejection is respectfully traversed.

The Office Action proposes to modify the teachings of Leveridge and Ote based on the teachings of Lockhart. For example, the Office Action proposes to rely on the teachings of Lockhart related to recording information about the file in an error log and transmission of a generated error message.

Applicant does not admit that such modifications are obvious to the one of ordinary skill in the art. However, while the Office Action proposes to so modify the teachings of Leveridge and Ote in view of the teachings of Lockhart, such proposed modification would still fail to teach the features of the independent claims discussed above, such as "encrypting the file with an encryption process associated with the destination based transmit folder" as recited in claim 1.

Withdrawal of the rejection under 35 U.S.C. §103 is respectfully requested.

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VII.   In the Office Action, claims 10-11, 19, 31, 36-37, 71, 74, and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leveridge WO 99/00958 as applied to claims 1 (for 10-11, and 19) and 27 (for claims 31 and 36-37).

The Office Action proposes to further modify Leveridge to transmit a notification of encryption failure of the file to the destination if the file fails encryption; to incorporate a step to move files failing encryption to a directory; to incorporate a step to send a notification to the destination so that the recipient is aware that the file has been transmitted; an encryption module and an error module; and a verification module to verify that the decryption was successful.

Applicant does not admit that such modifications are obvious to the one of ordinary skill in the art. However, while the Office Action proposes to so modify the teachings of Leveridge, such proposed modification would still fail to teach the features of the independent claims discussed above, such as "encrypting the file with an encryption process associated with the destination based transmit folder" as recited in claim 1.

Withdrawal of the rejection under 35 U.S.C. §103 is respectfully requested.

VIII.   In the Office Action, claims 15 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leveridge WO 99/00958 as applied to claims 1 and 27 above and further in view of Berman United States Patent No. 5,995,939.

In the rejection of claims 15 and 39, the Office Action proposes to modify Leveridge with the teachings of Berman. Specifically, the Office Action asserts that it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Leveridge to retrieve new files found in the updated directory after a predetermined time interval. The Office Action reflects that this modification would have been obvious because a

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person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Berman in col. 6, line 28 - col. 7, line 44.

Applicant does not admit that such modification to Leveridge would have been obvious to the one of ordinary skill in the art. However, while the Office Action proposes to so modify the teachings of Leveridge, such proposed modification would still fail to teach the features of the independent claims discussed above, such as "encrypting the file with an encryption process associated with the destination based transmit folder" as recited in claim 1.

Withdrawal of the rejection under 35 U.S.C. §103 is respectfully requested.

IX. In the Office Action, claims 18, 30, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leveridge WO 99/00958 as applied to claims 1, 29, and 27 above and further in view of Brundrett United States Patent No. 6,249,866.

The Office Action proposes to modify the teachings of Leveridge with Brundrett. In particular, the Office Action asserts that as per claim 18, Leveridge substantially teaches a method of transmitting data, but that not explicitly disclosed by Leveridge is that method wherein the encryption process comprises a public key for encoding the file. The Office Action asserts that however, Brundrett teaches the method wherein the encryption process comprises a public key for encoding the file; and that therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Leveridge to incorporate a step to encrypt the file with a public key; and that this modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Brundrett in col. 9, lines 64-66. Applicant submits that even if it were obvious to so modify Leveridge with the teachings of

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Brundrett relating to a public key, which it is not so admitted, such modified Leveridge would fail to cure the deficiencies of Leveridge discussed above. Similarly, Applicant submits that even if it were obvious to so modify Leveridge with the teachings of Brundrett relating to a private key, which it is not so admitted, such modified Leveridge would also fail to cure the deficiencies of Leveridge discussed above.

With regard to claim 30, the Office Action asserts it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Leveridge to incorporate a step into the verification of encryption to transfer the file to a temporary folder and check that they were indeed encrypted. The Office Action explains that this modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Brundrett in col. 18, lines 50-56; and that also, it would have been obvious to check the temporary files for verifying the encryption because it is suggested that Brundrett verify the success in col. 18, lines 6-12 and in fig. 22, element 2212. The Office Action further asserts Brundrett discloses a method for encryption thus it is obvious for use in decryption as well since decryption is the "converse operation" of encryption as stated in col. 18, lines 17-19.

Applicant does not admit that such modifications are obvious to the one of ordinary skill in the art. However, while the Office Action proposes to so modify the teachings of Leveridge, such proposed modification would still fail to teach the features of the independent claims discussed above, such as decrypting the file with a decryption process associated with the destination based received folder, as recited in claim 27.

Withdrawal of the rejection under 35 U.S.C. §103 is respectfully requested.

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X. In the Office Action, claims 12, 32-33, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leveridge WO 99/00958 as applied to claims 1, 29, and 27 above and further in view of Lockhart United States Patent No. 5,841,873.

The Office Action proposes to modify the teachings of Leveridge based on the teachings of Lockhart. Specifically, the Office Action asserts that it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Leveridge to incorporate a step to record information about the file in an error log if the file fails the encryption process; to incorporate a step to record information about the file in an error log if the file fails the verification process; and to incorporate a step to transmit a portion of the error log to the destination once the error log was recorded after the failed verification process.

Applicant does not admit that such modification to Leveridge based on the teachings of Lockhart would have been obvious to the one of ordinary skill in the art. However, while the Office Action proposes to so modify the teachings of Leveridge, such proposed modification would still fail to teach the features of independent claims 1 and 27 as discussed above, such as "encrypting the file with an encryption process associated with the destination based transmit folder" as recited in claim 1.

Withdrawal of the rejection under 35 U.S.C. §103 is respectfully requested.

E. CONCLUSION

Applicant has reviewed the various grounds of rejection as set forth in the Office Action. It is respectfully submitted that the applied art, and in particular Leveridge and Ote, fail to teach or suggest the claimed invention for the reasons set forth above.

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Applicant respectfully submits that the application, as amended, is in condition for allowance. If the Examiner believes that prosecution might be advanced by discussing the application with Applicants' counsel, in person or over the telephone, we would welcome the opportunity to do so. As noted above, Applicant requests an Interview with the Examiner to discuss the present application.

In the event any fees are due, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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